

NOTICE
PLANNING COMMISSION MEETING

Date: Wednesday, May 28, 2008

Time: 4:00 p.m.

Place: City Commission Chambers
Room 301, City Hall

1. **Call to Order**
2. **Attendance**
3. **Additions or Deletions to the Agenda**
4. **Approval of Minutes:** Regular meeting of March 26, 2008
5. **Correspondence:**
6. **Public Hearings**
 - A. **AMENDMENT TO THE PLANNING AND ZONING CODE:** The Battle Creek City Planning Commission will be holding a public hearing to consider an amendment to the Planning and Zoning Code as specified below:
Creation of Prairieview Homes Overlay District: Create Chapter 1249 “PH-OD Prairieview Homes Overlay District”:
1249.01 PURPOSE AND INTENT

The purpose and intent of the PH-OD Prairieview Homes Overlay District is to provide regulations and development standards for the PH-OD Prairieview Homes Overlay District and to allow the use by right of current residential uses, as identified in the PH-OD Prairieview Homes Overlay District Map, which uses previously did not conform to the zoning classification that existed since they were originally built. In establishing this overlay district, the properties within the PH-OD Prairieview Homes Overlay District are deemed to be legally conforming to the Planning and Zoning Code as of the date of adoption, and not subject to the requirements of Chapter 1288 Nonconforming Uses, Sections 1288.02 and 1288.03.

1249.02 APPLICABLE REGULATIONS

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the district regulations of the PH-OD Prairieview Homes Overlay District.

1249.03 PRAIRIEVIEW HOMES OVERLAY DISTRICT DESCRIPTION.
 - (a) The boundaries of the PH-OD Prairieview Homes Overlay District shall be delineated on the official zoning map of the city and titled “PH-OD”.

- (b) The area delineated as the PH-OD Prairieview Homes Overlay District shall be further described as Lots 2-91 inclusive, in the Plat of Prairieview Homes as recorded on September 15, 1948 in Liber 10 of Plats, on Pages 6 and 7.
- (c) The PH-OD Prairieview Homes Overlay District shall be an overlay on the R-2 Two-Family Residential District along the streets within this subdivision, containing housing units principally constructed as military housing in the 1940's.

1249.04 PERMITTED USES.

- (a) In addition to those uses permitted by right in the underlying "R-2 Two-Family Residential District", an existing residential structure may continue by right to be used for the number of units that exist at the time of adoption of this ordinance.
- (b) No additional residential units may be added to any existing residential structures within the PH-OD unless in conformance with the underlying R-2 Zoning classification.

1249.05 SITE DEVELOPMENT STANDARDS.

The building height, yard, lot area, building coverage, parking and site plan review standards for the PH-OD shall be the same as the site development standards for the underlying R-2 Two-Family Residential District, except that the parking requirement is considered to be met by the existing off-street parking and that parking already established by the City within the public right-of way along streets within the PH-OD.

1249.06 CONFLICT WITH R-2 ZONING DISTRICT REGULATIONS.

In the event of any conflict between the provisions of this Chapter and Chapter 1248, or other ordinance provisions pertaining to R-2 Two-Family Residential Districts, the provisions of this chapter shall control.

- B. SPECIAL USE PERMIT:** Petition from Mr. David Antoun, Tele-Site, Inc., 1015 S. Lake Dr., Novi, MI 48377, acting with the consent of Central Christian Church for a Special Use Permit for a Wireless Communication Tower (100 ft.) as permitted under the Planning and Zoning Code, Chapter 1297, Section 1297.09, for property located at 713 Riverside Dr., Parcel # 0074-00-100-0, legally described as: SEC 24 T2S R8W BEG AT PT ON N & S 1/4 LI LYING S 00 DEG 34 MIN 30 SEC E 894.06 FT FROM N 1/4 POST - S 89 DEG 45 MIN 31 SEC E 438.37 FT - N 00 DEG 34 MIN 30 SEC W 267 FT - S 89 DEG 45 MIN E ALG SLY LI OF PLAT OF CHAPEL HILL ESTATES 453.6 FT - S 00 DEG 34 MIN 30 SEC E ALG W LI OF PLAT OF SOUTHGATE NO 6, 700.23 FT - N 89 DEG 48 MIN W ALG N 1/8TH LI OF SEC 24, 889.85 FT - NLY ALG N & S 1/4 LI 433.87 FT M/L TO POB, CONT 11.66 ACRES M/L, SUBJ TO HWY EASE OVER WLY 50 FT THEREOF.

7. Old Business

8. New Business

- A. AMENDMENT TO THE PLANNING AND ZONING CODE:** The Battle Creek City Planning Commission will be holding a public hearing to consider an amendment to the Planning and Zoning Code for the Creation of "Prairieview Homes Overlay District Chapter 1249".
- B. SPECIAL USE PERMIT:** Petition from Mr. David Antoun, Tele-Site, Inc., 1015 S. Lake Dr., Novi, MI 48377, acting with the consent of Central Christian Church for a Special Use Permit for a Wireless Communication Tower (100 ft.) as permitted under the Planning and Zoning Code, Chapter 1297, Section 1297.09, for property located at 713 Riverside Dr., Parcel # 0074-00-100-0.

9. **Comments by the Public**

10. **Comments by the Staff and Commission Members**

11. **Adjournment**

Respectfully Submitted,

Michael J. Buckley
Executive Secretary
Planning Commission

The City of Battle Creek will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered in the meeting upon notice to the City of Battle Creek. Individuals with disabilities requiring auxiliary aids or services should contact the City of Battle Creek by writing or calling the following:

Office of the City Clerk, P. O. Box 1717, 10 North Division - Suite 117, Battle Creek, MI 49016
(269) 966-3348 (Voice) (269) 966-3348 (TDD)

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